

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER IX

STATE SENATE AND HOUSE OF REPRESENTATIVES

168.161 Offices of state senator or representative; eligibility; violation of MCL 38.412a.

Sec. 161. (1) A person shall not be eligible to the office of state senator or representative unless the person is a citizen of the United States and a registered and qualified elector of the district he or she represents by the filing deadline, as provided in section 7 of article 4 of the state constitution of 1963.

(2) A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible to the office of state senator or representative for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963;—Am. 1982, Act 505, Eff. Mar. 30, 1983;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.162 Candidates for state senator or representative; nomination at primary.

Sec. 162. A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered electors of each political party within every senatorial district and every representative district shall vote for party candidates for the offices of state senator and representative, to be filled at the November election: Provided, That this section shall not apply to parties required to nominate candidates at caucuses or conventions.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.163 Candidates for state senator or representative; nominating petitions; signatures; form; filing; filing fee in lieu of nominating petition; deposit of fee; refund of deposit.

Sec. 163. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of state senator or representative under a particular party heading upon the official primary ballots in the various election precincts of a district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district as determined under section 544f. If the district comprises more than 1 county, the nominating petitions shall be filed with the secretary of state. If the district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form prescribed in section 544c. The secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday preceding the August primary.

(2) In lieu of filing a nominating petition, a filing fee of \$100.00 may be paid to the county clerk or, for a candidate in a district comprising more than 1 county, to the secretary of state. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. A refund of a deposit shall not be made to a candidate who withdraws as a candidate.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1957, Act 125, Eff. Sept. 27, 1957;—Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.163a Repealed. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

Compiler's note: The repealed section provided for designation of incumbent on ballot.

Popular name: Election Code

168.164 Candidates for state senator or representative; withdrawal; notice.

Sec. 164. After the filing of a nominating petition or filing fee by or in behalf of a proposed candidate for the office of state senator or representative, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom his or her nominating petitions or filing fee were filed, or his or her duly authorized agent, not later than 4 o'clock, eastern standard time, in the afternoon of the

third day after the last day for filing such petition.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Popular name: Election Code

***** 168.165 SUBSECTION (2) ONLY APPLIES UNTIL DECEMBER 31, 1994 *****

168.165 Candidates for nomination; death; selection of new candidate; ballots; extension of filing deadline; requirements; applicability of subsection (2).

Sec. 165. (1) Except as otherwise provided in subsection (2), if a candidate of a political party for the office of state senator or state representative, as applicable, after having qualified as a candidate, dies after the last day for qualifying as a candidate, leaving the political party without a candidate for the office of state senator or state representative, a candidate to fill the vacancy caused by the death may be selected by 3 delegates elected by a majority of the precinct delegates and nominees for state representative and state senator of the candidate's political party from within the senatorial or representative district. However, if the senatorial or representative district comprises more than 1 county, the meeting shall be called and conducted by the chairperson of the state central committee or his or her authorized representative. The name of the candidate selected pursuant to this subsection shall be transmitted to the county officials required by law to print and distribute ballots. The county officials shall print the name of the candidate selected pursuant to this section on the ballot in place of the deceased candidate, or if the ballots are already printed, cause to be printed a sufficient number of gummed labels or stickers bearing the name of the selected candidate. The county officials shall distribute the gummed labels or stickers, if any, to the various voting precincts within their respective county. The board of election inspectors or authorized representatives of the city or township election commission of each precinct shall cause 1 of the gummed labels or stickers to be placed on each ballot, over the name of the candidate who has died, before the ballot is handed to the elector.

(2) If an incumbent state senator or state representative who has filed as a candidate for the same office in a district comprising all or a part of the district that the incumbent represents dies on the last day to file as a candidate under section 163 or within 14 days after the last day to file as a candidate, the filing deadline shall be extended and all of the following requirements apply:

(a) Not later than 1 business day after the effective date of this subsection or not later than 1 business day after the date of the death of the incumbent candidate, whichever is later, the secretary of the senate or the clerk of the house, as applicable, shall notify the secretary of state of the death of the incumbent candidate. If candidates for the vacant office are required to file with the county clerk, the secretary of state shall immediately notify the county clerk of the death of the incumbent candidate.

(b) Upon receipt of the notification under subdivision (a), the appropriate filing official shall remove the deceased incumbent's name from the list of candidates for that office. The filing official shall accept additional filings for that office up to 4 p.m. of the next business day immediately after the day that the filing official received the notification under subdivision (a).

(c) Notwithstanding any other provision of this act to the contrary, the following apply to candidates who file for an office pursuant to this subsection:

(i) A candidate who files for an office pursuant to this subsection shall not be permitted to withdraw.

(ii) A candidate who files for an office pursuant to this subsection and who had previously filed as a candidate for another office of state senator or state representative, which offices are to be filled at the same election, is considered to have automatically withdrawn the previous filing.

(3) Subsection (2) only applies until December 31, 1994.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 322, Imd. Eff. July 19, 1966;—Am. 1994, Act 152, Imd. Eff. June 9, 1994.

Popular name: Election Code

168.166 Candidates for nomination; no candidate, write-in.

Sec. 166. If for any reason the number of candidates of a political party for the office of state senator or representative shall be equal to less than the total number to be nominated and elected, a sufficient number of blank spaces shall be provided on the primary ballots which will afford every elector of said party an opportunity to vote for as many candidates as are to be nominated and elected by writing in the name or names of his or her selection or by the use of slips or pasters.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.167 Candidates for state senator or representative; nomination, certification.

Sec. 167. The candidates of each political party for the office of state senator and representative receiving the greatest number of votes cast for candidates for said offices as set forth in the report of the board of canvassers canvassing said votes, based on the returns from the various election precincts or as determined by said board as a result of a recount, shall be declared the nominees of that political party for said offices at the next ensuing November election. If the district which the candidate seeks to represent comprises 1 county or less, said determination shall be by the board of county canvassers. If the district which the candidate seeks to represent comprises more than 1 county, then the county clerk of each such county shall transmit to the secretary of state within 8 days after the primary elections a certified statement of the number of votes received by each person for nominations as a candidate of any political party for said offices. The secretary of state shall appoint a meeting of the board of state canvassers at his office not later than 15 days after the primary elections, which date he shall forthwith certify to the chairman of the state central committee of each political party for the purpose of canvassing the returns and declaring the result of the primary for the nomination of the candidates for state senator and representative. The board of canvassers making such canvass shall forthwith certify such nomination or nominations to the county election commission or commissions.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.168 Candidates for state senator or representative; withdrawal after nomination; procedure.

Sec. 168. When a candidate of any political party has filed a nominating petition or filing fee for state senator or representative and has been nominated for the office by a party, he or she shall not be permitted to withdraw unless he or she shall be certified as a nominee at the subsequent state convention of the same party for a statewide office, or has removed from the district, or has become physically unfit, or become disqualified for any reason. If certified by a state convention for a statewide office, the candidate shall be deemed to have withdrawn from the previous nomination. No such vacancy shall be filled by the county executive committee or committees except for the causes and as herein specified. This prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition or filing fee and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1970, Act 175, Imd. Eff. Aug. 3, 1970;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Popular name: Election Code

168.169 Candidates for state senator or representative; death, certification for statewide office, withdrawal, physical unfitness, or disqualification; selection of candidate to fill vacancy; certification; ballots.

Sec. 169. When the candidate of a political party, after having been nominated to the office of state senator or representative, shall die, be certified by a state convention for a statewide office, withdraw from the district, become physically unfit, or become disqualified for any reason, the members residing within said senatorial or representative district of the county executive committees of such candidate's political party for the counties comprising said senatorial or representative district shall meet at a time and place designated by the chairperson of the state central committee of such political party and notice of such meeting shall be sent to all such members of the county executive committees. The meeting shall be conducted by the secretary of the state central committee or his or her duly authorized agent, but said secretary or agent shall not be privileged to vote at such meeting. A candidate to fill the vacancy shall be selected by a majority vote of the committee members present and voting: Provided, That if such vacancy occurs in a senatorial or representative district wholly within 1 county, a candidate to fill the vacancy shall be selected by the county executive committee of the county by a majority vote thereof. The name of the candidate so selected shall be certified immediately by the chairperson and the secretary of said committee to the secretary of state in those districts comprising 2 or more counties and to the county clerk in those districts contained within 1 county. The certification shall be sent in any case to the board of election commissioners for each county, whose duty it is to prepare the official ballots; and said board shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected and certified to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Popular name: Election Code

168.170 State senators and representatives; election, date.

Sec. 170. A state senator in each senatorial district shall be elected in the general election in 1964, 1966 and every fourth year thereafter. A representative in each representative district shall be elected at each general November election.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.171 Candidate receiving greatest number of votes; duties of board of canvassers or county canvassers.

Sec. 171. The board of state canvassers or the board of county canvassers, as appropriate, shall determine which candidate has received the greatest number of votes and shall declare that candidate to be duly elected. The board of state canvassers shall proceed as prescribed in section 841. The board of county canvassers shall proceed as prescribed in section 826.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1995, Act 261, Eff. Mar. 28, 1996.

Popular name: Election Code

168.172 State senators and representatives; certificate of election; publication of certificate of determination and statement of votes; notice of election results.

Sec. 172. The secretary of state or the county clerk shall file in his or her office and preserve the original statement and determination of the board of state canvassers or the board of county canvassers of the result of the election and shall immediately execute and cause to be delivered to the persons declared elected, a certificate of election, certified by him or her under the great seal of the state or the seal of the circuit court of the county. In each county which alone constitutes 1 or more senatorial or representative districts, the county clerk may cause a copy of the certificate of determination, together with a statement of votes cast at the election for the officers, to be published in at least 1 newspaper printed or circulated, or both, in that county. The county clerk shall notify the daily or weekly newspapers of the election results, in writing, as soon as practical after that information becomes available.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 162, Eff. Mar. 31, 1986.

Popular name: Election Code

168.173 State senators and representatives; terms of office.

Sec. 173. The term of office of state senator and representative shall commence at 12 noon on January 1 next following his election. The term of office of state representative shall be 2 years. The term of office of state senators elected at the general election in 1964 shall be 2 years. The term of office of state senators elected at the general election in 1966 and every fourth year thereafter shall be 4 years.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.174 State senators and representatives; oath of office.

Sec. 174. Every person elected to the office of state senator or representative, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.175 State senators and representatives; resignation, notice.

Sec. 175. Any person duly elected to the office of state senator or representative who desires to resign shall file a written notice containing the effective date of such resignation with the presiding officer of his respective house, who shall immediately transmit the same to the governor.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.176 State senators and representatives; vacancy, creation.

Sec. 176. The office of state senator or representative shall become vacant on the happening of any of the following events, before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; his ceasing to be an inhabitant of the district for which he shall have been elected; the decision of a competent tribunal declaring void his election or appointment; or his refusal or neglect to take and subscribe to his oath of office. Regardless of any change in the boundaries of any state senatorial or representative district, an incumbent state senator or representative shall continue to represent the district from

which he was elected until his current term of office shall expire or his successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.177 State senators and representatives; removal from office.

Sec. 177. Any state senator or representative may be removed from office as provided in section 16 of article 4 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.178 State senators and representatives; vacancy in office; special election.

Sec. 178. The governor may call a special election as provided in section 634 in any senatorial or representative district of the state when the right of office of a person elected state senator or representative shall cease before the commencement of the term of service for which the state senator or representative was elected, or whenever a vacancy occurs in the office of state senator or representative after the term of service has begun for which the state senator or representative was elected.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1980, Act 261, Imd. Eff. July 30, 1980.

Popular name: Election Code

168.179 State senators and representatives; primary or election, recount of votes.

Sec. 179. The votes cast for any candidate for the office of state senator or representative at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.180 State senators and representatives; recall.

Sec. 180. Any person elected to the office of state senator or representative shall be subject to recall as provided in chapter 36 of this act and in section 8 of article 2 of the state constitution.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 63, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code